

VOLUME 8 NO. 1

A Publication of the Alabama Real Estate Appraisers Board

SPRING 2004

State Adopts Supplemental Standard

The square footage-method for calculating: ANSI-Z765 has been adopted by the Alabama Real Estate Appraisers Board. This is a **supplemental standard** required by the Board on all Single-Family Residential Appraisals done in Alabama on and after **October 1, 2004**.

- (1) The standard for the calculation and reporting of above-grade square footage and below-grade square footage in single-family houses shall be the "American National Standard for Single-Family Residential Buildings; Square Footage-Method for Calculating", ANSI Z765, as approved by the American National Standards Institute, Inc.
- (2) The board will accept a tolerance not to exceed five (5) percent of the square footage of the subject property for measurements made under subsection (1).

This standard for measuring square footage in single-family detached and attached homes, developed by an American National Standards Committee, is the first national standard to reconcile differences in current methods for determining square footage. The standard involves the calculation and reporting of above-grade square footage and below-grade square footage in single-family houses. It is not applicable to apartment/multifamily buildings and does not cover room dimensions.

Hard copies of the ANSI-Z765 Standards can be purchased for \$20.00, or downloaded for \$10.00 from the NAHB Research Center website at http://www.nahbrc.org/bookstore. You can also mail your order to NAHB Research Center, 400 Prince Georges Boulevard, Upper Marlboro, MD 20774, or call 800-638-8556.

Mandatory Trainee Orientation

Alabama has consistently been among the more progressive state Boards in the career development of Trainee appraisers. For example in May 2000 we implemented a requirement that Trainees pass an examination before being licensed. In February 2003 we began the registration of Trainees and their Supervisors and provided them with a nine-point list of responsibilities which must be adhered to.

Beginning in mid-May of this year the Board will be conducting Trainee Orientation sessions in each District throughout the state. All Trainees must attend this training once within each two year License certificate cycle. The cost to the Trainee will be \$50 and they will receive 3.5 hours of Continuing education. Training hours will be either 8:30AM - Noon or 1:00PM - 4:30PM.

These training courses will be hosted by the local District Board member who will join in presenting the material with staffers from the Board office. The objective is that following the training the Licensee will understand appointment/make-up of the Board and its duties, the certification process, experience points, review of work product, top 10 deficiencies most commonly found, Trainee/Supervising Appraiser Policy, the Complaint process and USPAP compliance.

Trainees in each District will be notified by letter at least a month in advance of when and where the training will be held in their District. Any make-up sessions will be in Montgomery. Please note that this will be mandatory attendance for continued licensing.

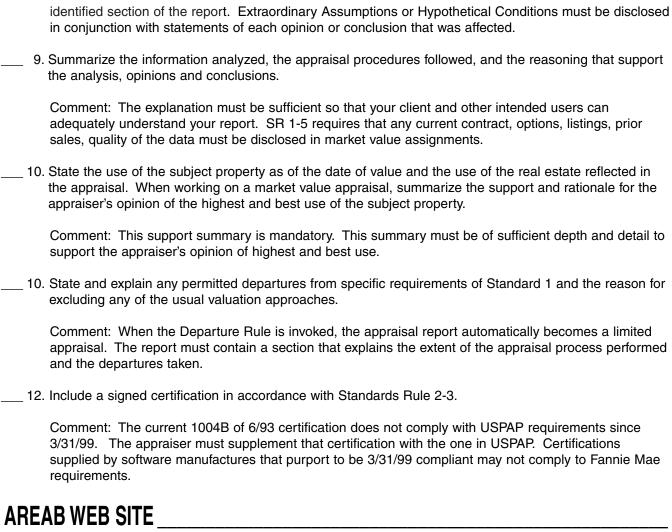
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The following list to assist licensees in complying with the requirements of the Uniform Standards of Professional Practice was compiled by 1st. District Board Member James E. Davis, Mobile, AL.

There are a minimum of 12 basic requirements that must be met in every appraisal in order to comply with USPAP. The standard forms such, as URAR, 2055, etc. are not designed to comply with USPAP. Therefore these reports must be expanded to include these requirements. The requirements are:

these reports must be expanded to include these requirements. The requirements are:
1. Identify the client and any intended users.
Example: ABC Mortgage and assigns or XYZ bank. Intended users could be the client's attorney or accountant.
2. State the intended use of the appraisal.
Example: This report is intended for use only by (identify the client and any other intended users by name or type) to make a decision regarding financing on the subject property or to assist in determining the asking price for the subject property, etc. Use of this report by others is not intended by the appraiser.
3. Sufficiently describe the real estate involved in the appraisal, including characteristics relevant to the assignment.
Example: This is done by providing a legal description, address, survey, map, photographs, etc. and include economic attributes relevant to purpose and intended use of the appraisal.
4. State the real property interest appraised.
Note: If interest appraised is other than existing interest, a hypothetical condition would be warranted. Example: appraising a fee simple interest in a property, when it is actually leased fee interest.
5. State the purpose of the appraisal, including the type and definition of value and its source.
Note: If it is a market value assignment, state whether it is in cash or equivalent and note any non-market influences in financing, conditions or incentives.
6. State the effective date of the appraisal and the date of the report.
Explanation: The effective date of the appraisal establishes the time period that was used to establish value and the date of the report indicates whether the report is retrospective, current or prospective. Both dates must be reported. Only the 2055 form requests date of the report, other forms should be supplemented to show both dates.
7. Disclose to the client and intended users of the report the scope of the work used to develop the appraisal.
Explanation: This informs the client to what extent the appraiser went to in order to develop the appraisa to assure the client that they are not being misled. It is in this section that the appraiser must disclose any significant appraisal assistance in developing the report.
8. State all assumptions, hypothetical conditions and limiting conditions that affected the analysis, opinions and conclusions.

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We encourage all licensees to visit our web site at www.reab.state.al.us for information on Board Member contact, minutes from previous board meetings, license/certification requirements, fee schedules, approved education, forms and applications, newsletters, appraiser roster, reciprocal states, AL Administrative Regulations and Statutes and relevant links.

APPRAISER LICENSE STATISTICS

LICENCEEC	NO
LICENSEES	NO.
Certified General	443
Certified Residential	550
Licensed Real	137
State Registered	28
Trainee	503
TOTALS AS OF 3-11-04	1,661

DISCIPLINARY REPORT

The Alabama Law requires the Board to regulate the conduct of appraisers in Alabama. The Board's Administrative Rules outline the procedure for handling complaints. The Uniform Standards of Professional Appraisal Practice provide the basic ethical standards for which appraisers must comply. Appraisers should carefully note the following violations, which resulted in disciplinary action by the Board.

AB-00-47 — On August 14, 2003, a Certified General signed a Consent Settlement Order in connection with the Eminent Domain appraisal of a parcel of real property. Terms include a private reprimand; a \$500 administrative fine; and completion of a Board approved 15-hour USPAP course with exam. Violations included: Failed to maintain a sufficient workfile to support the analysis reported; and absence of reasonable diligence in the development of the report by failing to accurately determine the "Total Taking" of the subject property.

AB-00-81, AB-01-84, AB-02-22, AB-02-28, AB-02-46 - On August 20, 2003, William W. Tennant, (L00079), a Licensed appraiser signed a Consent Settlement Order in connection with appraisals of four residential properties and a commercial property. Terms include a public reprimand; a \$2,025 administrative fine; completion of a Board approved 15-hour USPAP course with exam; completion of a Board approved 15-hour Sales Comparison Approach course with exam: and a Board approved 15-hour Commercial Appraisal course with exam. The violations include: AB-00-81: failed to employ acceptable methodology in estimating accrued depreciation; failed to use reasonable diligence in researching ownership and sales history; AB-01-84: Used the Tax Assessor value for site value; failed to report and analyze an existing sales contract; failed to recognize and adjust for personal property included in the purchase price. AB-02-22: Failed to correctly identify and describe the subject property; AB-02-28: Failed to address functional and external depreciation of the subject and the potential negative effect upon value; altered the subject appraisal report forwarded to the Board. AB-02-46: Failed to summarize the support and rationale for highest and best use; failed to provide a meaningful reconciliation summary in support of final value; failed to disclose lack of knowledge in performing commercial appraisals or obtain assistance needed to perform competently.

AB-01-16 – On June 26, 2003, **Wayne** B. Hollingsworth, (S00049), a State Registered signed a Settlement Order in connection with the appraisal of a single-family residential property. Terms include a public reprimand, and an \$850 administrative fine. Violations include: failed to report an abandoned service station on the adjacent property and potential environmental hazards; failed to report the presence of vacant/abandoned houses adjacent to and across the street from the subject property; and used comparable sales from subdivision developments influenced by external depreciation. Licensee is not licensed to perform an appraisal for a federally related transaction without the cosignature of a certified appraiser.

AB-01-56 - On August 25, 2003, Frank B. Stone, Jr., (G00226), a Certified General signed a Consent Settlement Order in connection with a commercial appraisal. Terms include a public reprimand. administrative fine; completion of a Board approved 29-hour complex appraisal course with exam; and until Licensee successfully completes this he will education, accept/participate in any commercial appraisals. Violations include: Failed to accurately report and analyze the actual age and the effective age of the subject; developed a hypothetical rent that could not be supported in the market place; failed to properly develop t h e "band of investment"

reported; stated the Income Approach was not considered to be applicable but assigned it the second strongest indicator of value; failed to thoroughly research property sales of recent dates that were representative of the subject property; failed to perform the appraisal competently.

AB-01-57, **AB-02-64** – On October 15, 2003, John C. Adams, (L00113), a Licensed Appraiser signed a Consent Settlement Order in connection with a commercial appraisal and a singlefamily residential. Terms include a one year suspension of his license #L00113 beginning on January 1, 2004. The violations included: AB-01-57: Failed to accurately report and analyze actual age and effective age of the subject; developed a hypothetical rent that could not be supported in the market place; failed to properly develop the "band of investment" reported; stated the Income Approach was not considered applicable but assigned it the second strongest indicator of value: failed to thoroughly research property sales of recent dates that were representative of the subject; and failed to perform the appraisal assignment competently. AB-02-64: Failed to disclose the subject residential property adjoins an area zoned B-1, Commercial; failed to report that Comparable #3 included a detached 2car garage with upper level apartment; failed to retain true and correct copies in the work file.

AB-02-66 - On September 12, 2003, a Certified Residential signed a Consent Settlement Order in connection with the appraisal of a residential property. Terms include a private reprimand; a administrative fine; completion of a Board approved 15hour USPAP course with exam. Violations included: failed to disclose or adjust for a double carport on Comparable #1; failed to disclose or adjust for a basement double garage on Comparable #2; failed to disclose HOA in the subdivision; incorrectly reported and adjusted GLA of Comparable #2; failed to consider sales in the subject subdivision that were available in determining value; failed to provide proper supervision for a Trainee.

AB-02-81, AB-02-82 - On August 20, 2003, a Certified Residential signed a Settlement Order Consent connection with the appraisals of two residential properties. Terms include a reprimand; а \$1,250 administrative fine; completion of a Board approved 15-hour USPAP course with exam; and a Board approved 15-hour Sales Comparison Approach course with exam. Violations included: AB-02-81: Failed to correctly describe the subject property; failed to provide appropriate justification for omitting Cost Approach; failed to disclose significant assistance provided by a Trainee; failed to disclose the lack of knowledge and experience of the subject market area or take steps necessary to complete the assignment competently. AB-02-82: Falsely certified an interior inspection of the subject property; failed to provide proper supervision for a Trainee.

AB-02-83 - On August 20, 2003, a Trainee signed a Consent Settlement Order in connection with the appraisal of a residential property. Terms include a private reprimand; a \$425 administrative fine; and completion of a Board approved 15-hour Sales Comparison Approach course with exam. The violations included: Utilized superior sales from subdivisions that exhibited significant dissimilarities to the subject with respect to Location, Site. Condition, Quality, Design, and Amenities; then failed to apply appropriate adjustments; and developed the value as "subject to repairs" but estimated depreciation as if the repairs were not made.

AB-02-100, AB-03-09 – On November 6. 2003. James Williams. (R00506). a Certified Residential signed a Consent Settlement Order in connection with two residential appraisals. Terms include: a public reprimand; a \$1,600

administrative fine; completion of a Board approved 15-hour USPAP course with exam; and a Board approved 15-hour Sales Comparison Approach course with exam. The violations included: AB-02-100: failed to consider or report a pending sales contract on the subject property for \$60,000 less than the estimated value; failed to disclose in the Certification the significant assistance provided by a Trainee: falsely certified performance of an interior and exterior inspection; failed to provide proper supervision for a Trainee. AB-03-09: Failed to disclose the differences between the comparable sales (stickbuilt homes) and the subject property (manufactured home); used foreclosed sales as comparables; failed to provide proper supervision for a Trainee.

AB-02-108, AB-02-110 On November 18, 2003, T.L. Inman, (R00148), a Certified Residential signed a Consent Settlement Order in connection with two residential Terms include: a public appraisals. reprimand; a \$1,600 administrative fine; and completion of a Board approved 15-hour USPAP course with exam. The violations included: AB-02-108: Failed to maintain true copies, in the subject property workfile; AB-02-110: Licensee improperly removed a prior sale of the subject from the appraisal report because of the low sales price at the insistence of the client's underwriter; failed to maintain true copies, in the subject property workfile.

AB-02-120 - On November 10, 2003. Jim Fitch, III, (R00477), a Certified Residential signed a Consent Settlement Order in connection with a residential appraisal. Terms include: a public reprimand and a \$500 administrative fine. The violations included: Licensee developed and reported a real estate appraisal for a fee while his license to appraise real estate in Alabama was in a nonrenewed status in violation of the Alabama Real Estate Appraisers Act and the Alabama Real Estate Appraisers Administrative Code.

AB-03-02, AB-03-03 - On December 1, 2003, John Hewitt, (R00401), a Certified Residential signed a Consent Settlement Order in connection with the appraisal of commercial and residential properties. Terms include: a public reprimand; а \$1,525 administrative fine; and completion of a Board approved 15-hour National USPAP course with exam. violations included: AB-03-02: Omitted required state certification. Licensee did not perform or report any of the three approaches to value in reaching the final opinion of value and did not invoke or attempt to invoke the Departure Rule; exceeded license authority by completing a commercial appraisal where the transaction value \$250,000. AB-03-03: exceeds Described the property condition as average when the following conditions existed but are not included in the report: damaged exterior siding, vinyl kitchen floor worn through to the concrete. exposed wiring plumbing, damaged or missing sheet rock on walls, broken windows and unfinished walls and ceiling. The ownership of the property was incorrectly reported and the pending transfer of ownership was not reported.

Letters of Warning were issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings.

AB-02-03 - On August 7, 2003, to a Certified Residential in connection with the appraisal of a residential property. Violations include: the subject property is reported as 50 years old while public record shows 70 years old. The onecar garage is an unfinished addition with no garage door or garage door opening. The floor plan is reported as functional but entry into the middle bedroom is through the front bedroom and the back bedroom does not have a

Appraisers Who Have Not Renewed

For the License Year 10-1-03 through 9-30-04

D 1 10 4 11	T04400	0	T00007	Marie IA D. I	T 00000
Robert S. Arnold	T01103	Clifford B. Baker	T00827	William K. Baker	T00008
Kevin A. Ballard	T01155	Tunde O. Bankole	T00937	Bridget H. Bilbrey	T01086
Phillip D. Bennett	T00814	Joseph D. Best	T01147	Pamela J. Brady	T00594
Charles D. Bing	T00769	Susannah L. Blissitte	T00958	Joyce T. Carlisle	T00884
Scott T. Brodbeck	T00982	Steve B. Burleson	T01034	Gerald C. Coggin, III	T00657
Anthony W. Carter	T01234	William G. Clem	T00933	Trey J. Downey	T01210
Brian C. Cole	T01153	Randy C. Cooper	T00628	William M. Feild	T01256
Obadiah C. Dudley	T00833	James G. Edwards	T00962	Jack L. Gaines, II	T01085
Thomas E. Fleming	T01128	Karl R. Florine	T01167	Timothy E. Gray	T01185
Kenneth M. Fountain	T01193	Barry J. Foust	T00552	Todd J. Guthrie	T01081
Rory L. Gladden	T01123	Theresa M. Graham	T01205	Tommy Hitt	T00925
Gregory Green	T01121	Lorenzo A. Green	T01027	William T. Irby, Jr.	T01036
Clementine B. Harper	T00851	Jeff P. Hawkins	T01271	Gwendolyn D. Johnson	T00867
Mitchell Howard, Jr.	T00976	Brian T. Huddleston	T01088	Johnny M. Kimbrell	T01266
Gary J. Isbell, Jr.	T00676	Terry W. Jacobs	T00228	Frank R. Manning	T01237
Emory J. Jones	T00989	Katrenia P. Kier	T00759	James W. Mitchell	T00904
Janet P. Kromer	T00602	Christopher A. Lipska	T01285	Cheri M. O'Bryant	T00696
Karen J. Martin	T01056	Gregory S. Mayo	T01199	Charles L. Passmore	T01240
Rance K. Morgan	T00542	Douglas L. Morris	T01252	John B. Payne	T00615
Diane E. Osborne	T00970	Marian S. Paradise	T00265	Matthew G. Pulliam	T01021
Sandra K. Pate	T00735	George L. Patterson	T00972	Michael D. Scott	T00939
Mark E. Pierce	T01282	Anthony D. Plemons	T00618	Anjanette Spencer	T00912
Debbie A. Richardson	T00671	John M. Rollins	T01295	Bruce A. Stowers	T00983
William J. Shaver	T00841	Delois Slaughter	T00652	Christopher C. Turner	T00415
Ralph H. Stephens	T00007	Gregory Y. Stewart	T00779	Marcus H. Wilson	T00589
Robert E. Strickland	T00675	Kenny Thompson	T00852	Cecil R. Young, Jr.	T01212
Stephanie B. Tinsley	T01164	Glenda C. Turlington	T00857	Jerry L. Bell	L00211
Bruce J. Ward	T01277	Donald K. Ward	T01053	Charles E. Storrs	L00166
Dawn C. Workman	T00548	Ronald A. Wright	T00521	Ronnie D. Foster	R00495
James E. Greer	S00010	Cynthia K. Turner	S00029	James R. Harper	R00131
Terri M. Green	L00209	Chester Hammond	L00188	Jerry W. Jernigan	R00154
Clark W. Tomblin	L00041	Clark R. Williams	L00138	Sharon J. Latham	R00170
Guy R. Brown	R00040	Lawrence Brown, Jr.	R00043	Susan N. Ming	R00176
Shelia M. Gilliland	R00508	David R. Harmon, Jr.	R00528	Juanell B. Potter	R00564
	R00508	•	R00520	Jeffrie L. Stiles	
Larry W. Hickman		Myra M. Horton			R00670
Michael G. Jones	R00563	William P. Jones, Jr.	R00439	David F. Tucker	R00402
Joe T. Mathis	R00380	Jewel T. Mills	R00194	Barbara A. White	R00301
Barbara H. Morgan	R00416	Thomas E. Norton	R00199	Michael D. Barrow	G00285
Goodloe Pride, Jr.	R00319	H. Willis Richards	R00576	Daniel R. Dean	G0018
Brenda S. Thompson	R00650	Charles Thompson	R00345	Norman E. Hall	G00554
William H. Warren	R00275	Patricia H. West	R00300	John C. Hottle	G00615
Gary L. Arnold	G00228	Edwin Auerbach, III	G00040	Philip J. Mushinski	G00620
John J. Caldwell, Jr.	G00237	M. Kimmerle Culver	G00552	Bradford Johnson	G00603
Deborah Ellenberg	G00329	John R. Fisher	G00558	Frederick G. Jennings	G00223
Eley C. Frazer, III	G00191	David M. Hale	G00142	David J. Widdoss	G00606
Joe F. Hamilton	G00231	Darryl M. Harley	G00478	Bruce K. Tomlin	G00544

Continued from page 6

William F. Pate, Sr.	G00637	Joe T. Phillips, Jr.	G00161	Walker E. Rayfield	G00225
Gary L. Ridley	G00595	John B. Stewart	G00594	Joe E. Wright	G00116
Jerome Tucker, II	G00273	Brad E. Weinberg	G00628	John W. Wilkins, Jr.	G00604

License Non-Renewal

Above is a complete listing of appraisers who did not renew their license for the period 10-1-2003 through 9-30-2004. The following is the text of a certified letter, which was mailed to each of them detailing the status of their license and ineligibility to perform appraisals:

"Your renewal fee for the license year 10-1-2003 through 9-30-2004 has not been received. It is imperative that you understand the status of your license. You are not authorized to do appraisals after 9-30-2003 without a current license. Appraisals made without a current license may be subject to disciplinary action or prosecution as a Class "A" Misdemeanor under State law.

Between 10-1-2003 and 3-31-2004 the renewal of your license requires the payment of a \$50 late fee in addition to regular fees. After 3-31-2004 the late charge for renewal is \$250 in addition to regular fees. If the renewal fee for the license year beginning 10-1-2003 is not paid by 9-30-2004 your file will be closed.

Let me know if we can provide additional information or assistance in connection with the foregoing."

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closet. AB-02-04 – On August 7, 2003, to a Trainee in connection with the appraisal of a residential property. Violations include: the subject property is reported as 50 years old while public record shows 70 years old. The one-car garage is an unfinished addition with no garage door or garage door opening. The floor plan is reported as functional but entry into the middle bedroom is through the front bedroom and the back bedroom does not have a closet.

AB-02-18 — On July 16, 2003 to a Certified Residential in connection with the appraisal of a residential property. Violations include: did not use the correct state certification statement. Failed to state the reporting option used. AB-02-47 — On July 30, 2003, to a Certified General in connection with the appraisal of a residential property. Violations include: the licensee reported two separate "Highest and Best" uses but offered no analysis to

support either opinion.

AB-02-55 - On July 16, 2003, to a Certified Residential in connection with the appraisal of a residential property. Violations include: incorrectly reported that the Departure Rule was invoked and incorrectly stated the report option as a Limited Report. Failed to include required state certification statement. AB-02-67 - On August 29, 2003, to a Trainee in connection with the appraisal of a residential property. Violations include: Comparable #1 double carport not reported: Comparable #2 double garage in the basement not reported; GLA of Comparable #2 included the basement square feet. Sales in the subject subdivision were available but not considered.

AB-03-17 – On August 29, 2003, to a Trainee in connection with the appraisal of a residential property. Violations include: Failed to provide a

narrative explanation to support the final estimated value of the subject property being \$60,000 greater than the pending contract price. AB-03-39 – On July 30, 2003, to a Certified Residential in connection with the appraisal of a residential property. Violations include: the licensee used a listing as Comparable Sale 1 then placed the most weight on comparable sale 1 for its similar site and "Sales" date.

Disciplinary actions are based on all of the circumstances developed on a case-by-case basis, including the nature and severity of the offenses involved, prior disciplinary history and findings in support of a conclusion that the respondent has been rehabilitated. Violation descriptions may be summarized in instances where they would become repetitive. For these reasons cases may appear similar on their face yet warrant different sanctions.

Alabama Real Estate Appraisers Board RSA Union Building 100 N. Union, Suite 370 Montgomery, AL 36104 Telephone 334/242-8747, Fax 334/242-8749 WEB Address: www.reab.state.al.us	POSTAGE
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CHANGE OF ADDRESS FORM

In accordance with the $\underline{\text{Code of Alabama}}$, $\underline{1975}$, \S 34-27A-16, which requires IMMEDIATE written notification to the Board of changes in business and resident addresses, PLEASE CHANGE MY ADDRESS TO:

Business: (Preferred Mailing)	Home: (Preferred Mailing)
Telephone No.:	Telephone No.:
Signed:	License Number:
Date:	